

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ARB No.27 of 2017

Date of Decision:12.03.2020

M/S AGNIHOTRI INFRASTRUCTURE COMPANY ..Applicant

Versus

CHARAN SINGH HARYANA AGRICULTURE UNIVERSITY &
ORS ..Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Deepak Jindal, Advocate
for the applicant.

Mr. Rajesh Sethi, Advocate for
Mr. Arun Biriwal, Advocate
for respondents No. 1 and 3.

DEEPAK SIBAL, J. (ORAL)

The present application has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short-the Act) for appointment of an Arbitrator.

Admittedly, through agreement dated 12.02.2011, the respondents allotted to the applicant the work of construction of Girls and International Girls Hostel at Chaudhary Charan Singh Haryana Agriculture University Hisar. As per clause 25-A of the said agreement disputes between the parties were to be settled through the mode of arbitration.

Disputes arose between the parties and they were referred to the sole Arbitrator namely Sh. N.K.Garg and on termination of whose mandate Mr. Bhupinder Singh was appointed as the sole Arbitrator. On objections filed by the applicant, Mr. Bhupinder Singh withdrew himself from the

arbitration proceedings and in his place Mr. Kapoor Singh was appointed as the sole Arbitrator and on his appointment the applicant also raised objections. When such objections were not decided by Mr. Kapoor Singh the present application was filed seeking intervention of this Court to appoint an independent and impartial Arbitrator.

At the outset learned counsel for the parties submitted that they have express instructions from their respective clients that this Court may appoint any independent and impartial Arbitrator to decide the disputes between the parties.

Accordingly, Justice Inderjit Singh, a former Judge of this Court is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Justice Inderjit Singh under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties.

The Arbitrator is requested to complete the proceedings within the time limit specified under Section 29A of the Act.

The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act as amended or as may be mutually settled by the parties and the Arbitrator.

As per agreement expressed by learned counsel for the parties, for the sake of the convenience of their respective clients, the venue for the Arbitration shall be at Chandigarh.

A copy of the this order be forwarded to Justice Inderjit Singh (Retd.) at the given address:

H.No.497,
IAS, IPS Society,
New Chandigarh
Ph.8558809904

After seeking the convenience of the Arbitrator, the parties are directed to appear before him on 20.03.2020 or on any other date suitable to all concerned.

The matter is disposed of in the above terms.

(DEEPAK SIBAL)

JUDGE

March 12, 2020

Jyoti-17 Whether speaking/reasoned Yes/No Whether Reportable Yes/No